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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCIS KELLY, DENNIS KRUGER, ROBERT P.) Case No. C 05-1287 SI
ANDERSON, GEORGE O. BULLWINKEL,)
STEPHEN C. CHRISTENSEN, FRED J. FEGAN,)
GERALD L. GREY, THOMAS E. KAZARIAN,)
FRANK M. KUNST, GARY J. LAVAYSSE,)
PATRICK H. McLAUGHLIN, DANIEL M.)
O'DONNELL, ROBERT G. OLLER, HENRY L.)
RANEY, GEORGE J. RIPOLL, PATRICIA)
CAULFIELD AND HONORA PUCCETTI,)
Individually and on Behalf of Others Similarly)
Situated.)
Case No. C 05-1287 SI
[PROPOSED]
ORDER GRANTING
PRELIMINARY APPROVAL
OF CLASS SETTLEMENT
Date: February 29, 2008
Time: 9:00 a.m.
Courtroom: 10, 19th Floor
Hon. Susan Illston

Plaintiffs,)
v.) corrected order

CITY AND COUNTY OF SAN FRANCISCO; SAN FRANCISCO FIRE DEPARTMENT; EDWARD M. HARRINGTON, in his Official Capacity as Controller of the City and County of San Francisco; PHILIP A. GINSBURG in his Official Capacity as Human Resources Director of the City and County of San Francisco; and DOES ONE through FIFTY, inclusive.

Defendants.)

)

Pursuant to this Court's Order of December 7, 2007, a hearing on preliminary approval of class settlement was held on February 29, 2008. Having considered the pleadings, the memoranda of points and authorities, the proposed Settlement Agreement and other documents and papers submitted by counsel as well as the arguments of counsel, the Court grants preliminary approval of the class

1 settlement.

2 The Court finds that the terms set forth in the proposed Settlement Agreement are fair,
 3 reasonable and adequate, and in the best interests of the Plaintiffs, the Class Members and the
 4 Collective Action Members ("Settlement Class"). Therefore, the Court grants preliminary approval
 5 of the parties' Settlement Agreement, including approval of the four Notices of Proposed Settlement
 6 that are to be sent to members of the Settlement Class and approval of the Release of Claims.

7 As part of the settlement and pursuant to the stipulation of the parties, the Court hereby
 8 certifies, under Federal Rule of Civil Procedure 23, the following class with respect to the vacation
 9 pay claim: "All former uniformed employees of the San Francisco Fire Department who were eligible
 10 for Training and Education Achievement Pay, Retention Pay and/or Terrorism Response Training Pay
 11 and who separated from employment through June 30, 2007 and, following separation from
 12 employment, received a lump sum payment on or after February 25, 2002 for any accrued vacation
 13 pay that did not include Training and Education Achievement Pay, Retention Pay and/or Terrorism
 14 Response Training Pay."

15 The Final Settlement Hearing on the question of whether the proposed settlement should be
 16 finally approved as fair, reasonable and adequate shall be held in this Court on July 11 2008
 17 at 9:00 a.m.

18 Plaintiffs shall file their motion for an award of attorneys' fees and costs by 3/21/08,
 19 2008. A hearing shall be held in this Court on said motion on 7/11/08, 2008 at 9:00 a.m.

20 IT IS SO ORDERED.

21 Dated: 2/29 2008

22 By: 
 23 SUSAN ILLSTON
 24 UNITED STATES DISTRICT JUDGE
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